

2872

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**FACSIMILE COVER SHEET**

To: Office of Initial Patent Examination  
United States Patent and Trademark Office

Fax #: 703-746-9195

From: Linda A. Case, Paralegal for Robert P. Simpson, Esq.

Date: March 11, 2003

Re: U.S. Patent Application Serial No. 10/040,566  
Filed: January 7, 2002  
For: METHOD AND APPARATUS FOR AUTOMATICALLY  
SHUTTING OFF A MICROSCOPE  
Group Art Unit 2872  
Our Ref. No.: 296,LEAP:109US

Pages: 15 (including cover sheet)

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APR - 8 2003  
TECHNOLOGY CENTER 2800

**Message:**

Please find attached a copy of a Response to Request for Corrected Filing Receipt mailed February 19, 2002 indicating that a Petition to Correct Inventorship is required in order to correct the official Filing Receipt pursuant to the enclosed marked copy. A Petition to Correct Inventorship under 37 CFR 1.48 has been filed with the U.S. Patent and Trademark Office on July 8, 2002, a copy of which is attached hereto, along with the acknowledgement postcard date-stamped by the U.S. Patent and Trademark Office.

**\*IMPORTANT NOTICE\***

The accompanying message is intended only for the use of the individual or entity to which it is addressed and may represent an attorney-client communication or otherwise contain information that is privileged, confidential and exempt from disclosure under applicable law. If you are not the intended recipient, any duplication or distribution of this communication is unauthorized and prohibited. If you have received this communication in error, please notify us immediately by telephone and return the entire communication to us at the above address by mail at our expense.

If any part of this fax transmission is missing or not clearly received, please call and ask for Marissa at (716) 626-1564.



UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS  
UNITED STATES PATENT AND TRADEMARK OFFICE  
WASHINGTON, DC 20231  
www.uspto.gov

APPLICATION NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
10/040,566	01/07/2002	David J. Cash	LEAP: 109_US_

**COPY**

Simpson, Simpson & Snyder, PLLC  
5555 Main Street  
Williamsville, NY 14221

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FEB 24 2003

CONFIRMATION NO. 1456



\*OC000000009533119\*

*DKT* *ear*

Date Mailed: 02/19/2003

**SIMPSON & SIMPSON**

**RESPONSE TO REQUEST FOR CORRECTED FILING RECEIPT**

**Claims, Fees, and Inventors**

In response to your request for a corrected Filing Receipt, the Office is unable to comply with the request because:

- ☐ The total number of claims appearing on the Filing Receipt does not include multiple dependent claims. The total fee appearing on the Filing Receipt includes the cost of multiple dependent claims that were present at the time the application was filed.
- ☐ The filing fee is correct. It may include additional claims fees and/or the surcharge under 37 CFR 1.16(e) for filing an oath/declaration or basic filing fee after the application filing date; or it may not reflect fees refunded to the applicant that were paid by mistake.
- ☐ The number of claims reflected on the filing receipt is correct. Upon review of the claims, it was found that there was a miscalculation by the applicant. This may be due to improperly presented multiple dependent claims, typographical error, misnumbering of the claims, or other oversight. An amendment may be necessary to correct the problem.
- ☐ The filing fee reflected on the filing receipt is correct. Applicant may have miscalculated the fees due.
- ☐ Applicant calculated fees as other than small entity; however, applicant asserted small entity status in the application. Therefore, fees were applied as small entity and the remainder was refunded to the applicant.
- ☐ The difference between the fees paid and the fees due was refunded to the applicant and will not be shown on the filing receipt.
- ☐ The inventor information may be truncated if the family name consists of more than 50 characters (letters and spaces combined) and if the given name consists of more than 50 characters (letters and spaces combined).
- ☐ The inventor's residence allows for up to 40 characters (letters and spaces combined).

☐

- ☐ The inventor's residence will only include the city and state for U.S. residences or city and country for residences outside the U.S. (See MPEP 605.02).

☒ A petition to correct the inventorship is needed to make this change. See 37 CFR 1.48. For non-provisional applications, the petition should be directed to the Director of the examining group assigned to your application.

- ☐ Changes made after submission of an executed declaration to the inventor information other than correction of typographical errors must be submitted in the form of a substitute declaration. Change of inventorship requires a petition under 37 CFR 1.48.

- ☐ The number of drawings shown on the filing receipt reflects the number of drawing sheets submitted and is not necessarily equal to the number of figures submitted.

- ☐ The correspondence address was captured as directed by applicant on filing. If you wish correspondence to be directed otherwise, please submit a request for a change of address.

- ☐ The docket number allows a maximum of 25 characters.

- ☐ The person signing on behalf of the deceased inventor is reflected on the Filing Receipt as the legal representative.

- ☐ The filing date of a parent application cannot be changed by this request. A petition to correct the filing date in the parent application is required.



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## UNITED STATES PATENT AND TRADEMARK OFFICE

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WASHINGTON, D.C. 20231  
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APPLICATION NUMBER	FILING DATE	GRP ART UNIT	FIL FEE REC'D	ATTY DOCKET NO	DRAWINGS	TOT CLAIMS	IND CLAIMS
10/040,566	01/07/2002	2872	740	LEAP: 109_US_	4	11	3

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MAR 20 2002

SIMPSON, SIMPSON &amp; SNYDER

CONFIRMATION NO. 1456

FILING RECEIPT



\*OC000000007639953\*

DKT'D  
leo 3/22/02Simpson, Simpson & Snyder, PLLC  
5555 Main Street  
Williamsville, NY 14221

Date Mailed: 03/14/2002

Receipt is acknowledged of this nonprovisional Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Customer Service Center. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).

## Applicant(s)

David J. Cash, Kenmore, NY;

Vincent Vaccarelli, Getzville, NY

## Assignment For Published Patent Application

Leica Microsystems Inc., Depew, NY;

Domestic Priority data as claimed by applicant

Foreign Applications

If Required, Foreign Filing License Granted 03/13/2002

Projected Publication Date: 07/10/2003

Non-Publication Request: No

Early Publication Request: No

## Title

Method and apparatus for automatically shutting off a microscope

Preliminary Class

359

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JUL 17 2002  
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esp. RPS

RECEIVED IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: David J. Cash et al.

U.S. Serial No.: 10/040,566

Filed: January 7, 2002

For: METHOD AND APPARATUS FOR AUTOMATICALLY SHUTTING OFF  
A MICROSCOPE

Transmitted herewith is:

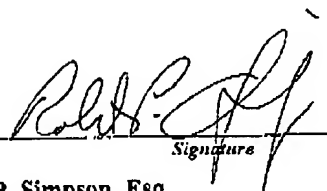
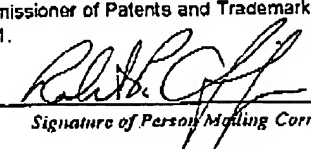
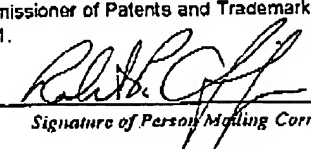
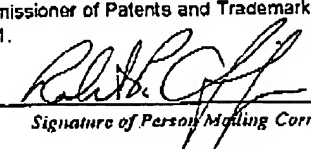
- (1) Transmittal Letter
- (1) Request to Correct Inventorship of NonProvisional Application
- (1) Certificate of Mailing by First Class Mail
- (1) Statement Under 37 CFR 1.48(a)
- (1) Statement Under 37 CFR 1.48(a)(2)
- (1) Statement Under 37 CFR 1.48(a)(5)
- (1) Statement Under 37 CFR 3.73(b) with copy of assignment mailed for recording
- (1) Executed Declaration and Power of Attorney
- (1) Check in the amount of \$130.00 to cover payment of processing fee
- (1) Postcard for Acknowledgement



Attorney Docket No. 296.LEAP:109\_US\_

Customer No. 24041

DIKTID  
lac  
7/17/02

<b>TRANSMITTAL LETTER</b> (General - Patent Pending)			Docket No. <b>LEAP:109_US_</b>			
In Re Application Of: <b>David J. Cash et al.</b>						
Serial No. <b>10/040,566</b>	Filing Date <b>January 7, 2002</b>	Examiner <b>unknown</b>	Group Art Unit <b>2872</b>			
Title: <b>METHOD AND APPARATUS FOR AUTOMATICALLY SHUTTING OFF A MICROSCOPE</b>						
<p style="text-align: center;"><u>TO THE COMMISSIONER OF PATENTS AND TRADEMARKS:</u></p> <p>Transmitted herewith is:</p> <p><b>Request to Correct Inventorship of Nonprovisional Application; Statement Under 37 CFR 1.48(a); Statement Under 37 CFR 1.48(a)(2); Statement Under 37 CFR 1.48(a)(5); Statement Under 37 CFR 3.73(b) with copy of Assignment; Executed Declaration and Power of Attorney;</b></p> <p>in the above identified application.</p> <p><input type="checkbox"/> No additional fee is required.</p> <p><input checked="" type="checkbox"/> A check in the amount of \$130.00 is attached.</p> <p><input checked="" type="checkbox"/> The Commissioner is hereby authorized to charge and credit Deposit Account No. 50-0822 as described below. A duplicate copy of this sheet is enclosed.</p> <p><input type="checkbox"/> Charge the amount of</p> <p><input checked="" type="checkbox"/> Credit any overpayment.</p> <p><input checked="" type="checkbox"/> Charge any additional fee required.</p> <p style="text-align: right;">Dated: <b>July 2, 2002</b></p> <p> Signature</p> <p><b>Robert P. Simpson, Esq.</b> Registration No. 33,034 Customer No. 24041 Attorney for Applicant(s) Simpson &amp; Simpson, PLLC 5555 Main Street Williamsville, NY 14221 Telephone No.: (716) 626-1564 Facsimile No.: (716) 626-0366</p> <p>RPS/lac CC:</p> <table border="1"><tr><td>I certify that this document and fee is being deposited on July 2, 2002 with the U.S. Postal Service as first class mail under 37 C.F.R. 1.8 and is addressed to the Commissioner of Patents and Trademarks, Washington, D.C. 20231.</td></tr><tr><td> Signature of Person Mailing Correspondence</td></tr><tr><td><b>Robert P. Simpson</b> Typed or Printed Name of Person Mailing Correspondence</td></tr></table>				I certify that this document and fee is being deposited on July 2, 2002 with the U.S. Postal Service as first class mail under 37 C.F.R. 1.8 and is addressed to the Commissioner of Patents and Trademarks, Washington, D.C. 20231.	 Signature of Person Mailing Correspondence	<b>Robert P. Simpson</b> Typed or Printed Name of Person Mailing Correspondence
I certify that this document and fee is being deposited on July 2, 2002 with the U.S. Postal Service as first class mail under 37 C.F.R. 1.8 and is addressed to the Commissioner of Patents and Trademarks, Washington, D.C. 20231.						
 Signature of Person Mailing Correspondence						
<b>Robert P. Simpson</b> Typed or Printed Name of Person Mailing Correspondence						

P18B/REV01

Attorney Docket No. LEAP:109\_US\_

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant(s): David J. Cash et al.

Examiner: Unknown

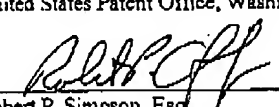
Serial No.: 10/040,566

Group Art Unit: 2872

Filed: January 7, 2002

For: METHOD AND APPARATUS FOR AUTOMATICALLY  
SHUTTING OFF A MICROSCOPE**Certificate of Mailing**

I certify that this Request to Correct Inventorship of NonProvisional Application is being deposited on July 2, 2002, with the U.S. Postal Service as first class mail under 37 C.F.R. §1.8 and is addressed to the United States Patent Office, Washington, D.C. 20231

  
Robert P. Simpson, Esq.  
Registration No. 33,034

**REQUEST TO CORRECT INVENTORSHIP OF NONPROVISIONAL APPLICATION**  
(35 USC 116 and 37 CFR 1.48)

Commissioner of Patents  
Washington, D.C. 20231

Honorable Sir:

Leica Microsystems Inc., the owner of record of the above-identified United States Patent Application, hereby respectfully requests correction of the inventorship of said patent application by adding Vincent Vaccarelli as a joint inventor, in addition to David J. Cash.

The inventor sought to be added, Vincent Vaccarelli, is a citizen of the United States of America, residing at 70 Montbleu Drive, Getzville, New York 14068, United States.

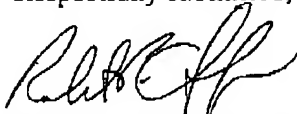
This Request is accompanied by the following documents:

- 1) Statement Under 37 CFR 1.48(a) by David J. Cash as an inventor correctly stated as an inventor on the patent application;
- 2) Statement Under 37 CFR 1.48(a)(2) by Vincent Vaccarelli as the inventor inadvertently omitted from the patent application;
- 3) Statement Under 37 CFR 1.48(a)(5) by Leica Microsystems Inc. as the assignee of the patent application;

- 4) Statement Under 37 CFR 3.73(b) by Leica Microsystems Inc. as the assignee of the patent application, along with a copy of an assignment of rights in the invention from David J. Cash and Vincent Vaccarelli to Leica Microsystems Inc. The original of this assignment document was mailed to the Patent and Trademark Office on April 23, 2002 for recording; and
- 5) Declaration and Power of Attorney executed by both inventors, as required under 37 CFR 1.63.

Finally, this Request is accompanied by the required fee of \$130.00 as required under 37 CFR 1.17(i). The Commissioner is authorized to charge any additional fees required in connection with this Request to Deposit Account No. 50-0822.

Respectfully submitted,



Robert P. Simpson, Esq.  
Registration No. 33,034  
Attorney for Applicant(s)  
Simpson & Simpson, PLLC  
5555 Main Street  
Williamsville, New York 14221  
Telephone: (716) 626-1564  
Facsimile: (716) 626-0366

Dated: July 2, 2002  
RPS/LAC  
Enclosures